

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of

Applicant : Theresa M. Reineke et al.
Serial No. : 10/596,520
Filed : April 21, 2008
Title : POLYAMIDES FOR NUCLEIC ACID DELIVERY
Docket : 10738-97
Examiner : James Schultz
Art Unit : 1633
Confirm. No. : 7539

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EFS Electronic Web Submission

March 21, 2011

Sir:

TERMINAL DISCLAIMER UNDER 37 CFR §1.321(c)

This paper is being filed to obviate the judicially created double patenting rejection. More particularly, this paper is being filed to disclaim multiple double patenting references in accordance with 37 CFR §1.321(c). As provided by MPEP §804.02, "[t]o avoid paying multiple terminal disclaimer fees, a single terminal disclaimer based on common ownership may be filed, for example, in which the term disclaimed is based on all the conflicting, commonly owned double patenting references." The MPEP also provides that, "[e]ach one of the commonly owned conflicting double patenting references must be included in the terminal disclaimer to avoid the problem of dual ownership of patents to patentably indistinct inventions in the event that the patent issuing from the application being examined ceases to be commonly owned with any one of the double patenting references that have issued or may issue as a patent." *See* MPEP §804.02. Thus, please consider the following single disclaimer which lists each of the commonly owned conflicting double patenting references.

**TERMINAL DISCLAIMER DISCLAIMING MULTIPLE DOUBLE PATENTING
REFERENCES**

The owner, The University of Cincinnati, of 100 percent interest in the instant application also disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term(s) of any patent granted on pending **reference(s)**:

<u>Application Number(s)</u>	<u>Filed</u>
1. <u>10/596,522</u>	<u>06-17-08</u>
2. <u>12/134,556</u>	<u>06-06-08</u>
3. <u>10/596,516</u>	<u>12-16-08</u>
4. _____	_____
5. _____	_____

as defined in 35 U.S.C. 154 and 173, and as the term of said **references** is presently shortened by any terminal disclaimer.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent(s)** and/or **reference(s)** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent(s)**, "as the term of said **prior patent** is presently shortened by any disclaimer," in the event that said **prior patent(s)** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making the above disclaimer, the owner also does not disclaim the terminal part of any patent granted on the instant application that would extend it to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application(s), "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent(s): granted on the pending **reference** application(s): expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney or agent of record.

Reg. No. 66,800

/Hallie W. Wherley/
Signature

03/21/11
Date

Hallie W. Wherley
Typed or printed name

937-449-6402
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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